

BARRY J. PORTMAN
Federal Public Defender
JOYCE LEAVITT
Assistant Federal Public Defender
555 12th Street, Suite 650
Oakland, CA 94607-3627
(510) 637-3500

Counsel for Defendant RAMIREZ-GARCIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. CR 08-0172 DLJ
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	CONTINUING FILING AND
)	HEARING DATE ON MOTION TO
)	DISMISS; EXCLUSION OF TIME
MARCOS RAMIREZ-GARCIA,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED, by and between the parties to this action, that the hearing date for defendant's motion to dismiss, currently scheduled for Friday, January 23, 2009, at 11:00 a.m. is hereby continued one week to Friday, January 30, 2009, at 11:00 a.m. It is further stipulated that the filing dates are hereby vacated and continued as follows: defendant's motion to dismiss shall be filed no later than Monday, January 5, 2009; the government's opposition shall be filed no later than Friday, January 16, 2009 and defendant's reply shall be filed no later than Friday, January 23, 2009. The Court already has excluded time to January 23, 2009, in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel to

1 prepare for the filing of the motion. The parties stipulate that the time from January 23, 2009 to
 2 January 30, 2009 should be excluded because of the pendency of the motion. 18 U.S.C. §
 3 3161(h)(1)(F).

4 DATED: December 18, 2008

/s/

5 JOYCE LEAVITT
 6 Assistant Federal Public Defender

7 DATED: December 18, 2008

/s/

8 JAMES MANN
 9 Assistant United States Attorney

10 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
 11 conformed signature “/s/” within this e-filed document.

12 ORDER

13
 14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date for
 15 defendant’s motion to dismiss, currently scheduled for Friday, January 23, 2009 at 11:00 a.m. is
 16 hereby continued one week to Friday, January 30, 2009 at 11:00 a.m.

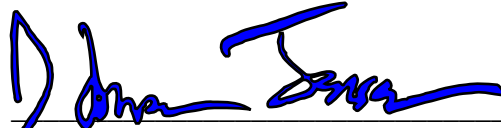
17 IT IS FURTHER ORDERED that the filing dates are hereby vacated and continued as follows:
 18 defendant’s motion to dismiss shall be filed no later than Monday, January 5, 2009; the
 19 government’s opposition shall be filed no later than Friday, January 16, 2009 and defendant’s reply
 20 shall be filed no later than Friday, January 23, 2009.

21
 22 IT IS FURTHER ORDERED that the time from January 23, 2009, to January 30, 2009 should
 23 be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(F)
 24 based upon the pendency of the motion to dismiss. The Court previously excluded time to January
 25 23, 2009, for adequate preparation of counsel and found that the ends of justice served by the
 26

1 granting of the continuance outweigh the best interests of the public and the defendant in a speedy
2 and public trial and the failure to grant the requested continuance would unreasonably deny counsel
3 the reasonable time necessary for effective preparation, taking into account due diligence. 18 U.S.C.
4 §§ 3161(h)(8)(A) and (B)(iv).

5 SO ORDERED.

6
7 DATED: December 22, 2008



HONORABLE D. LOWELL JENSEN
United States District Judge